



Ask the HR Owl About.....

Family Care Leave

*Refer to Administrative Code, Division III, Section 11.7 and
MOU Article XII, Section 12.10 for eligibility, qualifying reasons
and further information*

1. Q. What is Family Care Leave (FCL)?
 - A. Up to 480 hours unpaid leave in a 12-month period beginning with the date of first usage, for the employee's own serious medical condition, to care for a qualifying family member, or for the birth or placement of a child within the first 12 months. FCL guarantees that the employee can return to their position (or equivalent) with no break in service.
2. Q. What should I do if I want to use FCL?
 - A. Human Resources recommends that the employee and their supervisor confer with HR regarding eligibility, leave options, etc.
3. Q. How do I begin using FCL?
 - A. The employee begins using FCL by notifying the supervisor (e.g. by memo) of the qualifying reason and requested use of FCL, with 30 days advance notice if possible. The final approval resides with the division director, through the employee's supervisor and/or manager.
4. Q. Do I need to provide documentation with the request?
 - A. Medical documentation is required for the employee's or qualifying-family member's serious illness, and documentation is required for the birth or placement of a child.
5. Q. Can I use FCL on an intermittent basis?
 - A. Yes. Typically FCL is used in a block of time; but there may be circumstances when intermittent usage is appropriate (e.g. dialysis treatment at a hospital).
6. Q. What if my plans change?
 - A. The supervisor and employee should stay in contact to update status and to make any necessary adjustments in the event that the needs of the employee change.
7. Q. Do my benefits continue while I am on unpaid FCL?
 - A. Yes, except if the FCL leave is 80 work hours or more in a fiscal year and paid leave time is not being used to remain in pay status. In that case, the employee does not receive annual and sick leave accruals, transit subsidy, or educational reimbursement (except for prior approved courses). PERS pension contributions are not made on unpaid leave.

Family Care Leave, Cont'd.

8. Q. Is FCL always unpaid?
A. No. Under the FCL entitlement, the employee who is approved to use FCL may be required to deplete their leave balances prior to using unpaid leave.
9. Q. If I am approved for FCL, do I have to use all of my accrued leave as well?
A. Not all. If the reason for the FCL leave is for birth or placement of a child or to care for an eligible family member, the employee must use accrued annual leave and float leave, but may retain 80 hours (of annual & float combined). For the employee's own illness, the employee must use all but 80 hours of sick leave.
10. Q. If my FCL is approved and I am using accrued leave first, is that paid leave included in the 480 hour FCL entitlement?
A. Yes.
11. Q. How is FCL reported in our time-keeping program, e-time?
A. The employee profile in e-time does not include the category code for FCL. The employee's supervisor or the payroll technician enters unpaid FCL in the category provided. If the employee is using paid leave to cover an FCL absence, a comment to that effect is entered by the supervisor next to the appropriate paid leave category.
12. Q. When can an FCL request be denied?
A. If the reason given is not qualifying or if the request is for a reduced work schedule for bonding with a newborn or foster child. Approval for a reduced work schedule is at the discretion of the employer, based on business needs. FCL requests cannot be denied if they are in compliance with the provisions of the MOU and Administrative Code.
13. Q. Is Pregnancy Disability Leave (Admin. Code III, Section 11.9) subtracted from the employee's FCL entitlement?
A. No. PDL is a separate provision from FCL. Leave used under the PDL provision is not subtracted from the FCL allowance.
14. Q. What if I still have questions regarding FCL?
A. Email the HR Owl at hrowl@baaqmd.gov

Note: See the grid on the next page for medical-related leave types that apply in various circumstances.

	LEAVE TYPES		
	SICK LEAVE (paid)	TEMPORARY DISABILITY LEAVE (may be paid or unpaid)	FAMILY CARE LEAVE (may be paid or unpaid)
LEAVE CIRCUMSTANCES			
Personal illness/injury	X	X	X
Pregnancy/Childbirth	X	In excess of 88 working days X	X
Pregnancy disability	X	In excess of 88 working days X	X
Other family member's illness	X Up to 80 hours		X
Adoption/Birth bonding/ foster placement			X
Exposure to contagious disease (e.g. medical quarantine)	X	? Depends on medical certification	? Depends on medical certification